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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 2222 OF 2017

Shri Kantilal Thakkar

... Petitioner

Versus

The Kalyan Dombivali Municipal Corporation
& Anr.

...Respondents

Ms. Shruti Tulpule, for the Petitioner.

Mr. Sandip Shinde, for the Respondent Nos. 1 and 2.

**CORAM: SMT. VASANTI A NAIK AND
RIYAZ I. CHAGLA, JJ.**

DATED: 11th OCTOBER 2017

PC:-

By this writ petition, the petitioner seeks the direction against respondent nos. 1 and 2 to decide the complaint of the petitioner, dated 30th December 2016 and take steps for demolition of the illegal tin sheds and chawls erected on the land, the development rights of which are granted to the petitioner.

The learned counsel for the respondent raises a preliminary objection to the tenability of the writ petition. It is stated that the civil dispute was pending between the petitioner and the other developer who also claims development rights over the property and an Appeal against order is pending in the said matter, in this Court.

If illegal tin sheds and chawls are constructed on the property belonging to the petitioner or the property over which the petitioner has development rights, the petitioner can file

appropriate proceedings for removal of the same. In the circumstances of the case, specially when two developers have made rival claims over the property in question, the relief sought by the petitioner cannot be granted.

In the result, the writ petition fails and is dismissed with no order as to costs.

(RIYAZ I. CHAGLA J.)

(SMT. VASANTI A NAIK, J.)